

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

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WRIT PETITION NO. 20165 OF 1995

BETWEEN:

Vatsavai Kesava Raju

.....**Petitioner**

And

Deputy Registrar, Co-op. Societies,
Amalapuram, E.G.District & others.

.....**Respondents**

:: O R D E R ::

Counsel for the Petitioner : Shri L. Venu Gopal

Counsel for Respondent Nos.1 and 2 : Government Pleader for
Cooperation

Counsel for Respondent No.3 : Shri G. Krishna Murthy

Counsel for Respondent No.4 : None

Dated: 12.07.2006

In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for quashing the auction held by

respondent Nos. 1 to 3 on 05.06.1995 in respect of land measuring Ac.1.63-1/2 cents in Revenue Survey No.113-2B/2 situated in Ryali Village of East Godavari District.

In the writ petition filed by him, the petitioner has impleaded Shri Merla Gangaiah as respondent No.4 by projecting him as the person, who gave highest bid in the auction held on 05.06.1995.

In the counter filed by Shri M.V. Raghava Reddy, Secretary, Cooperative Rural Bank, Ryali Village, Atreyapuram Mandal, East Godavari District on 09.02.2005, it has been categorically averred that the sale of auction was knocked down in favour of Merla Nageswara Rao, S/o Thathaiah and not Merla Gangaiah, who has been impleaded as respondent No.4.

On the last date of hearing i.e. 05.07.2006, it was pointed out to the learned counsel for the petitioner that as per the affidavit of respondent No.3, highest bid has been given by Merla Nageswara Rao and not Merla Gangaiah. Upon this, learned counsel sought adjournment to enable him to seek instructions. His request was accepted and the case was adjourned for today. However, the petitioner has not taken steps to implead Merla Nageswara Rao as a respondent in the writ petition.

In my opinion, without impleading the person, who gave highest bid in the auction held on 05.06.1995, the petitioner cannot seek invalidation of the auction proceedings and as the petitioner has failed to implead the highest bidder as party respondent, no effective relief can be given to him.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

ksld
12.07.2006

